

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

MICHAEL DONALDSON,

Plaintiff,

V.

TRAE FUELS, LLC., et al.

Defendants.

Case No.: 3:18CV00097

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

EXHIBIT 2

To: Beth Aleman[baleman@envirotechservices.com]
Cc: Michelle Mills[mmills@envirotechservices.com]; John Frink[Jfrink@traefuels.com]; Kevin Whyrick[kwhyrick@envirotechservices.com]
From: Michael Donaldson
Sent: 2014-02-24T12:40:24-05:00
Importance: Normal
Subject: Re: Paycor - Benefit Elections for Joshua Magner
Received: 2014-02-24T12:40:24-05:00

Beth,
Thanks for your reply and your concern.

Yes, I do everything that is possible to have the employees complete the items necessary, but I cannot under duress bring them to my office and force them to complete the paperwork. While most people do comply and I expect Josh to do so as well. So, I do ask and remind, but if they do not it, I can recommend that other actions be taken within the spirit of teamwork with the management of ESI and Trae-Fuels, which would include you and John. John has asked me to make him aware of any employee issues and I'm following that guidance. So, this is why I e-mailed you and John and to recommend that the benefits be deducted out of his check, if he doesn't stop by today to complete them.

Joshua is a very good and nice employee and I'd rather take an incremental calculated escalated approach, to express the urgency of the matter, so that first everyone is aware and that I believe this is an incentive for action for Josh to respond.

Also, it is important that everyone in management is on the same page. I believe then following up if compliance is lacking, to take further steps as you mentioned "telling them they do not have insurance" as a last resort.

My approach is pedagogical in nature and I think you may be over analyzing my response. Please feel free anything to ask me something that you may not understand and I would be happy to attempt to shed some light.

Michelle will tell you, that we do request "live checks" for employees who have not turned in their uniforms, etc and we hold them until they do. It is not a lack of fear, even with other areas of accounting policy that I keep Kevin informed, but courtesy and respect and to take the unified approach. In short, I imagine that he'll take care of it today.

Have a wonderful day!

Mike

Too often, I found out the the I can think of several options, one of tell them they won't have insurance alert you to take the action necessary to take that out of their check.

On Mon, Feb 24, 2014 at 11:03 AM, Beth Aleman <baleman@envirotechservices.com> wrote:

Michael,

This concerns me that you feel you cannot enforce compliance with employees and following processes. Here at EnviroTech we need you to be able to complete the necessary paperwork with these employees, in addition by including the employee in your email stating you 'cannot force' them to do this, you are giving them a way out to not do it now. I will call Josh and inform him it is not an option to not complete his insurance enrollment and if does not, he will not have health insurance for 2014 and he can open enroll next year.

Beth

On Mon, Feb 24, 2014 at 8:29 AM, Michael Donaldson <mdonaldson@traefuels.com> wrote:

Good Morning;

Joshua's Paycor Benefit Elections are pending and I've been reminding him to complete them either at home, or here in the office. On Friday, Josh promised me that he would make his elections this past weekend, but informed me this morning that he forgot to do it this weekend. He mentioned that he would come in the office today, to complete them and I informed him that it is urgent as payroll will be processed.

Please be mindful to check to see whether or not he has completed his benefit elections and if not, we should deduct it from his check. I can only ask and remind employees to make sure their elections are complete in a timely fashion, but I can't enforce compliance.

Thanks,

Mike

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Michael A. Donaldson
Controller

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